

Call for Views response on Legislative Consent Motion for the Railways Bill

Correspondence from the Associated Society of Locomotive Engineers and Firemen (ASLEF), 4 March 2026

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing over 22,000 members in train operating companies, freight companies as well as metro and light rail systems. We have over 2,000 members living in Scotland with members also living outside Scotland but driving services which cross into Scotland on a regular basis.
2. We welcome the opportunity to provide views on the questions raised by the committee and agree with the Cabinet Secretary's view that it is important that scrutiny takes place before parliament goes into dissolution in late March.
3. We are supportive of the Railways Bill and have worked the Labour Party in Westminster whilst they were in opposition. Firstly, to draft the GB Rail White Paper¹ and then to provide input to the Get Britain Moving² document which has formed the base of the UK Government's move to set up GBR and bring franchised passenger services and the infrastructure manager back together in public ownership.
4. The Scottish Government took the welcome steps of bringing Scotrail and the Caledonian Sleeper into public ownership ahead of the change of UK Government in 2024 and it is welcome that the work of the current UK Government is protecting and enhancing Scotland's ability to run rail services under public ownership. We do however believe that there is scope for public ownership to go further with efficiencies to be gained via integrating the Caledonian sleeper into Scotrail alongside the creation of a nationalised freight operator to enable Scotland to achieve its net zero targets on time whilst delivering economic growth.
5. On the above point, we note that New Clauses 61 and 62 offer greater clarity and security around any future transfer, which, as noted under paragraph 40 of the supplementary legislative consent memorandum (SLCM) could apply to any moves to transfer ScotRail and Caledonian Sleeper to enable secure long term delivery arrangements since the current arrangement was secured as the 'operator of last resort' which the Passenger Railways Services (Public Ownership) Act 2024 changed to a publicly owned operator. Whilst we understand the sentiment that the current arrangements were time limited, we see the changes made by the 2024 public ownership act as removing any time

¹ https://weownit.org.uk/site/assets/files/58952/gb_rail_labour_opposition_white_paper-1.pdf

² <https://labour.org.uk/wp-content/uploads/2024/04/GETTING-BRITAIN-MOVING-Labours-Plan-to-Fix-Britains-Railways.pdf>

limitation, as the current operation of services is in public ownership which is no longer seen as a 'last resort'.

6. Whilst we understand the current Scottish Government's desire for further devolution of rail, we welcome their acknowledgement that this is not on offer and that the intention is to work from the Alliance agreement framework. We believe that with the majority of passenger services coming into public ownership and with the bulk of the network coming under GBR as the infrastructure manager, it is the time to work in alliance to ensure that GBR takes a whole network view of infrastructure and services ensuring that GBR delivers for the whole of Great Britain. This will also help to ensure that the concerns and desires of Scottish Ministers are heard and acted on with regards to infrastructure that crosses borders where decisions taken in England with a view of the impacts on England only could have detrimental impacts on the ability of Scotland to grow and maintain its services.
7. We believe that the memorandum of understanding, due to be published in the spring will begin the more collaborative relationship under GBR which can enable greater integration across the network and could lead to opportunities for growth in both passenger and freight services.
8. We are in agreement with both the legislative consent memorandum (LCM) and the SLCM on the areas where the Scottish and UK Government's views differ and agree with the assessments in the LCM that Clauses 25, 28, 32, 66, 75, 80,87 and Schedule 3 require legislative consent.
9. Whilst a reserved matter, Clause 91 of the amended Bill enables the Secretary of State to introduce the payment of fees for train driver licenses and certificates. Presently drivers are responsible for their licenses whilst employers are generally responsible for the certificates, if fees are introduced this could have a knock-on effect for ScotRail/Caledonian Sleeper's financial planning if they must now pay fees to whomever the Secretary of State designates as responsible for issuing licences or certificates.
10. With regards to Clause 91, beyond the potential financial impact it could have on services designated by Scottish Ministers, it could, if the licence fees are to be paid by drivers, have an impact on the recruitment of new drivers in Scotland as well as placing a new financial burden on current drivers. We ran a short survey on the potential introduction of fees amongst our members and received over 5,000 responses which revealed that 94% of ASLEF drivers do not support the introduction of fees and 58% would have been less likely to apply if they had to pay fees for their license.
11. It is possible that under Clause 80 the Secretary of State would have to consult Scottish Ministers on introducing fees although the wording of Clause 91 means it is not clear on the face of the Bill if Scottish Ministers will be consulted on any changes to the licensing of train drivers which the clause enables, as it may not be viewed as significantly affecting the interests of Scotland's economy or persons living in or working in Scotland and as such not triggering Clause 80.

1. Do you have any concerns about the proposed arrangements for the specification, funding, and management of rail services and rail infrastructure in Scotland under the provisions set out in the UK Railways Bill? If so, what are they and how might they be addressed?

12. We do not hold any major concerns with the proposed arrangements for specification, funding and management of rail services and rail infrastructure as set out in the Bill. The Bill itself protects the current level of devolution and allows for the Alliance model to be developed enabling greater integration between railways in Scotland and the rest of GBR's network. The detail of the memorandum of understanding will give the greatest insight into how the Alliance model will be developed.
13. Despite holding no major concerns, we have highlighted in our evidence response to the Transport Select Committee³ and in a motion to the STUC Congress⁴, concerns around the potential for full devolution of rail services and infrastructure in England to Mayoral Strategic Authorities (MSAs) and the potential impact this could have for cross border passenger and freight services in Scotland. This would be best addressed by GBR opting to work in partnership with MSAs rather than full devolution re-fragmenting the network and adding layers of consultation when any changes to the network are proposed in England which could impact on the mainlines providing vital cross border services.
14. We are interested to see how the obligations introduced under Clause 18 would play out, if for example Scottish Ministers believed that the manner best calculated to promote the use of the railway network in Great Britain for the carriage of goods pointed them towards a publicly owned freight operator, at present the race to the bottom in the privatised rail freight sector has seen job losses in Scotland and could see Scotland's renewal works in jeopardy due to a lack of freight driver leaving Scotland looking to bring drivers over from England to cover the work.
15. We understand the provision afforded to the Secretary of State under Clause 8 to revoke any directions given to GBR by Scottish Ministers when they conflict with directions given under Clause 7 or if they will affect activities that are not Scottish Railway activities. However, as the railways are network and operate beyond borders, there may be times when Scottish Ministers are looking to improve the regularity of services in Scotland only, which would require capacity on constrained mainlines operating cross border services, as such the memorandum of understanding would need to be clear on how both Scottish Ministers and the Secretary of State can grow services on a network that is already constrained, without the need for the Secretary of State to intervene and revoke any directions given by Scottish Ministers.

³ <https://committees.parliament.uk/writtenevidence/153329/html/>

⁴ <https://www.stuc.org.uk/news/congress2025/composite-e-covering-motions-22--23/?tag=Carried>

2. Scottish Ministers argue the new management regime could allow for greater integration between track and train operations in Scotland – building on the current Alliance. How best could these new joint working arrangements be exercised to benefit rail passengers?

16. Building on the current Alliance model should ensure that a whole network view is taken when assessing access requests and developing future infrastructure and planning new services. This will benefit passengers as it will ensure that the desires to increase regional services in parts of England are weighed against the impacts that such services would have on the already constrained capacity required for cross border passenger and freight services to/from Scotland.
17. The continuation of Scotland's rolling programme of electrification will allow the current procurement of new rolling stock to be undertaken with a view to delivering electric traction across more of Scotland's railways, we have been urging the government to take this once in a generation opportunity to renew its fleet and gain complete control of the fleet and ultimately save money by utilising green bonds to finance the procurement. By owning and controlling the rolling stock the Scottish government would not only save money⁵ but also have the most flexibility in deploying the fleet across Scotland as and when infrastructure upgrades allow it, without having to sign new contracts or pay fees to ROSCOs. As such, we are deeply disappointed that the Scottish Government is letting this opportunity slip and imparting greater costs for the next generation with the current procurement contract to lease the rolling stock set to last 30 years, expiring in 2058⁶.
18. The Alliance model may also push the UK Government to re-assess their reluctance to initiate rolling programmes of infrastructure works, with the continuation of a rolling programme of electrification in Scotland saving money and potentially unlocking more electrified freight paths (if electrification was to be carried out in parts of England) which in turn could deliver benefits for passengers and businesses due to the speed benefits of electric rail freight. The Alliance model could highlight deficiencies in the network outside of Scotland where there is a need to invest in electrification and gauging to enable an increase in cross-border services benefiting passengers.
19. There could also be greater benefits for the workers currently employed on services under both the Scottish Minister and Secretary of State's jurisdiction. With the potential for greater travel facilities across the GBR network and opportunities to move between employers. This could allow Scotrail and Caledonian Sleeper to offer attractive benefit packages to workers. There are also the benefits which could be felt by freight drivers who at present can

⁵ https://aslef.org.uk/system/files/2025-04/aslef_-_a_public_vision_for_financing_scotlands_railways_-_web.pdf

⁶ <https://www.find-tender.service.gov.uk/Notice/017792-2026>

struggle to access welfare facilities due to ownership structures and a lack of appropriately placed facilities across the network with greater integration and access possible under GBR and the services under the Scottish Ministers jurisdiction. Our Dignity for Drivers⁷ campaign has highlighted these concerns, and all employers have been asked to sign up to the Welfare Charter coordinated by the RSSB, this is a positive step in addressing the concerns we have raised and GBR itself is seen as an opportunity to fix the lack of access to appropriate welfare facilities at a greater scale and a faster pace. It is important to note however that so far ScotRail has refused to sign up to the charter.

20. In Scotland we have made progress by working with Network Rail to map potential locations for welfare facilities to be placed which can be accessed by freight drivers outside of conventional facilities found at existing railway infrastructure such as stations. The greater integration between track and train should enable all drivers across all employers to access welfare facilities, this will in turn offer benefits to passengers by ensuring that first and foremost the drivers of either the passenger or freight service are able to work in a safe manner without needing to dehydrate themselves, it could also unlock efficiencies with diagramming better reflecting the reality of availability and access to welfare facilities. However as noted above, this will require ScotRail to sign up to the charter, which we anticipate GBR will. However, as noted above, this will require ScotRail to sign up to the charter, which we anticipate GBR will.

3. Are you satisfied that the arrangements for managing cross-border services balance the needs of cross-border and ScotRail operations and their passengers? If not, how might they be improved?

21. The arrangements balance the needs of cross-border and ScotRail operations as Clause 26 enables Scottish Ministers to designate cross-border services albeit after consultation of the Secretary of State, and as highlighted in LCM, Clause 80 ensures that any changes to cross-border services designated by the Secretary of State would require consultation with Scottish Ministers.

22. Whilst there is the potential for Scottish Ministers to need to be reactive following consultation, they can also be proactive in managing and growing cross-border services as afforded under Clause 26. This taken alongside a memorandum of understanding which highlights the importance of protecting and growing cross-border services should afford the balance required.

4. What specific issues do you think should be included in the Memorandum of Understanding between Scottish Ministers and the UK Government on their

⁷ <https://aslef.org.uk/campaign/dignity-drivers>

exercise of railway powers?

23. There must be a clear understanding of the need to both protect and grow passenger and freight cross-border services as we have highlighted under paragraph 15, there needs to be an understanding to work together to avoid the Secretary of State revoking any directions. There must also be an agreement to support any initiatives undertaken by Scottish Ministers to deliver the aims and objectives of the railways that are set out by Scottish Ministers. This should be inclusive of looking at infrastructure improvements across the network where cross-border services for both passenger and freight could be improved, such as the electrification of sections of the network which could enable electric rail freight to run from the deep seaports in England to interchanges in Scotland without the need to switch to slower and more polluting diesel locomotives.
24. There must also be an agreement to look to develop the railways in both jurisdictions to the benefit of the whole network by building new infrastructure to create capacity whilst upgrading and renewing current infrastructure to also provide capacity, whilst also working together on delivering passenger benefits through fares, frequency of services and through using newer and more accessible rolling stock alongside delivering work required at stations to improve accessibility across the network.

5. Do you have any concerns about the impact of the new arrangements on rail freight operations and open access services in Scotland? If so, can you explain what these are and how they could be overcome?

25. As we have highlighted already, the potential for full devolution of rail services in England to MSA's along with the potential for rail infrastructure to also be devolved could re-fragment the network and create difficulties for freight operators who will be competing for multiple users and potentially multiple infrastructure managers for access to the network, with MSA's focused on regional services which can further constrain capacity for freight and open access operators.
26. The draft access and use policy has not yet been published so it is not clear what the detail will be, but we can look at the provisions in the Bill which freight and open access operators can utilise to protect and grow their services. At present the appeals process is heavily weighted in GBR's favour with appeals needing to be made under Judicial Review principles setting a high bar alongside the ability for GBR to essentially reserve future paths and to favour passenger services if they are deemed to offer better public value. This could cause concerns for freight and open access operators, if they are denied access for a future GBR service.
27. However, the Bill does contain provisions which should offer assurances to rail freight operators such as the duty on GBR to promote rail freight and the requirement for the Secretary of State to set a rail freight growth target which

must have regard to the strategy or policy of Scottish Ministers regarding rail freight as well as the requirement on GBR to run the railway in the public interest including social, economic and environmental interests, for which the importance of rail freight in achieving net zero targets, reducing emissions and creating safer roads creates a strong argument for its growth.

28. Clause 64 also allows GBR to charge freight operators a lower amount as part of the access and use scheme to encourage growth, this could create opportunities for freight operators, if Scottish Ministers were also looking to grow rail freight with a view to encouraging traffic via reduced charges. This is a welcome section of the Bill as the race to the bottom coupled with the high cost for electric traction has seen operators look to ditch electric locomotives, squeeze terms and conditions of workers and even contribute towards job losses. The unlevel playing field between road and rail freight has also seen rail freight track access charges increase by 26% in real terms between 2015 and 2024 whilst levies on road vehicles have fallen by 41%, whilst energy costs for rail freight have increased by 10% for diesel and 66% for electric traction whilst for road it has fallen by 8% during this same time period⁸. We would highlight however that with HS1 being operated under concession and as such falling outside of the scope of the Bill there is the reality that international rail freight has seen its access charges increase by 272% between 2015 and 2024 whilst road has seen a reduction in 8%. If for example there was an opportunity to grow Scottish exports utilising rail freight via the Channel Tunnel the current structure with HS1 falling outside of GBR as its own infrastructure manager, could present barriers and it is not clear how the ORR would assess potential high access and electricity charges on HS1 if this was impacted on the duties of GBR to grow and promote rail freight.
29. In our view however both of freight and the services run under open access should be operated under public ownership since open access operators pick and choose the profitable routes, it would make most sense for these to be run by and for the public with all profits re-invested back into the network rather than being paid out in dividends to private shareholders. Whilst Scottish Ministers would have greater flexibility to achieve net zero through the control and operation of rail freight alongside passenger services, this could enable both to grow in tandem and for investments into the infrastructure to be carried out with both passenger and freight services in mind. We see complete public ownership as the most effective way to plan and manage the network.
30. Presently the UK Government is favouring discontinuous electrification which does not deliver the benefits that are needed for rail freight, we have also recently seen the UK Government stepping in to invest in a privately owned rail freight terminal at Barking Eurohub to try and increase rail freight through the Channel Tunnel, which itself runs over infrastructure operated under

⁸https://www.railpartners.co.uk/images/documents/Steer_Rail%20v%20Road%20Cost%20Analysis%20Report%20for%20Rail%20Partners_January%202025.pdf

concession by the private sector all highlighting the inefficiencies that can be created by fragmenting rail to the private sector across passenger and freight whilst the majority of it is operated on publicly owned infrastructure and requiring government investment in infrastructure and in some instances subsidy to enable the private operators to profit.

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